

NEPA Analysis Process: Proposed Action

J. Pollet: Now that we've covered the Purpose and Need, scoping and issue, let's talk about the proposed action.

The proposed action is a proposal for the BLM to authorize, recommend or implement an action that addresses a Purpose and Need. A proposed action can be generated internally or externally.

The proposed action is just one possible pathway to meet that Purpose and Need. The alternatives, which Richard will discuss next, are other pathways to meet the Purpose and Need.

Your proposed action should always include a description of the who, what, how, when and where.

The "who" is the federal agency that's taking the action or making the decision. For an externally generated proposal, the "who" could also be the proponent, but, remember, it's BLM who is making the decision.

The "what" is the specific action or the decision that's being proposed.

"How" is a discussion of the specific means by which the proposal would be implemented. In the "how" you should include your project design features or any means or measures or practices that would reduce or avoid environmental impacts.

You should also include a discussion of the "when." The "when" is the time frame would be implemented or completed.

Finally, you should include the "where." The "where" is a description of the location where the proposed action would be implemented, and that location needs to be provided as specifically as possible. Maps are a good way to help explain the "where" part of your proposed action.

Now that we've talked about what makes up the proposed action, let's talk about how to develop a proposed action.

It's really easy when you have an externally generated proposed action because usually someone's coming to you with a proposal. Sometimes that will need to be fleshed out, but generally you'll be getting that from an external proponent.

For an internal action, you want to use your interdisciplinary team or other cooperating agencies and stakeholders. They can help you define that proposed action.

So, first, you want to have a draft of the Purpose and Need Statement and the proposed action, and you want to share those things during external scoping so you can get a lot of feedback on that proposed action. It's really useful to get informed feedback from the

NEPA Analysis Process: Proposed Action

public. That will really help you shape a good description of that proposed action. And don't forget to include maps or any other graphics that would really help -- that could really help flesh out and explain the "who," "what," "how," "when," and especially the "where" of the proposed action.

As in a lot of NEPA analytical steps, you may need to revisit the proposed action after you've done scoping. You'll often get a lot of good feedback that will help flesh out the nuances of that proposed action.

C. Humphrey: Is the proposed action a good place to talk about land use plan conformance?

J. Pollet: Yeah, we need to make sure that all of our decisions and actions conform to an approved land use plan. That land use plan conformance should be discussed in the NEPA document that you're preparing. And you should consider evaluating land use plan conformance really early in the process just in case you need to consider a land use plan amendment.

Land use plan conformance means that an action shall be specifically provided for in the plan, or if it's not specifically mentioned, it should at least be clearly consistent with the terms, conditions and decisions of that plan or RMP.

R. Hardt: Something to think about when developing your proposed action is the difference between design features and mitigation measures.

Design features are those specific measures or practices that make up the proposed action. Design features are front loaded into the proposed action. Examples of design features include things like best management practices or standard operating procedures, leasing stipulations. You may consider adding design features throughout the development of the proposed action and alternatives in iterative fashion as you go through that process.

But mitigation measures come in a later part of the process. Mitigation measures are those measures or practices that you identify after you have done the effect analysis. These are measures or practices that would reduce or avoid the adverse effects that are identified in your effects analysis. If you do identify mitigation measures, you need to analyze the effectiveness of those measures and describe the residual effects that would remain after their implementation.

C. Humphrey: So are you saying that we wouldn't have to analyze the effectiveness of design features?

R. Hardt: Well, you do it in the beginning. You basically do that analysis once with design features, because it is part of the proposed action or the alternatives you're

NEPA Analysis Process: Proposed Action

analyzing. But with mitigation measures, you basically have to do two rounds of analysis. You do that first round of analysis. That helps you identify the mitigation measures. Then you need to do additional analysis to evaluate their effectiveness and look at the residual effects. Now, that can be a very good way to demonstrate the need for mitigation measures, which can be very important if we're asking a proponent to implement these mitigation measures to be able to show the effect without the mitigation measures and then show the effect with the mitigation measures. But it is more work that way.

With EISs, we have to identify mitigation measures that could reduce or avoid adverse effects identified for our proposed action and alternatives. For EAs, you should consider whether you need to adopt mitigation measures that would reduce effects of an action below the threshold of significance.

J. Pollet: Now, open your Participant Guide to Exercise 3 and follow along with this example of how we're going to show the difference pieces of a proposed action.

I'll read the proposed action and then we'll go through the pieces. The BLM will issue a special recreation permit to Yukon Quest International to conduct a sled dog race annually for up to five years. The race will occur on 34 miles of the Steese Trail within the Eastern Interior Field Office, and trail user will be on the BLM portion of the trail for three to seven days beginning not earlier than February 1st and ending not later than March 15th. The total number of trail users will range from 40 to 80 people, including staff as well as racers, and up to 400 dogs. Trail users will be on snow machines and dogsleds.

Now we're going to diagram this proposed action and go through the "who," "what," "how," "when" and "where."

The "who" shows up in red. The "who" in this example is the BLM is going to be the agency issuing the -- making the decision or making the action, and the other part of the "who" is the proponent, in case Yukon Quest International.

The "what" shows up in black. The "what" is a special recreation permit to conduct a sled dog race.

The "how" is in green. The "how" is going to be for up to 40 to 80 people, including staff, as well as racers, and up to 400 dogs. The other part of the "how" -- or the discussion is that the trail users will be on snow machines and dogsleds.

The "when" shows up in orange. The time frame is going to be an annual race, an annual permit, for up to five years, and the permit is going to be good for three to seven days starting not earlier than February 1st and ending not later than March 15th.

NEPA Analysis Process: Proposed Action

And then the "where" that shows up in purple is going to be on 34 miles of the Steese Trail within the Eastern Interior Field Office and on the BLM portions of that trail.

C. Humphrey: That was a good way to do that. I like how you highlighted each one of those parts in a different color.

And so now it's your turn to practice this. What we would like you to do is get out your EA or EIS just like you've done for the past few exercises. We want you to look at your proposed action. And you could try what Jolie did and do the "who," "what," "how," "when" and "where" in different colors and then see if you're missing any of the pieces or if they're not quite written right, if you need to be more specific, and so you can make it so that it's as good as the one that Jolie just went over.

And it's the same with the other exercises, if your EA or EIS is already done, then it's a low-risk way to practice, and if you're starting one or in the middle of one, it's a great way to get back on track and have a good proposed action.

Good luck.